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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,287	08/27/2001	Cornelius Peter	TRW20269	2716

7590

02/05/2003

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EXAMINER

TAMAI, KARL I

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 02/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/831,287

Applicant(s)

PETER ET AL.

Examiner

Tamai IE Karl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 10-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 10-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/27/01 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6. 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, stator being retained only transversal by the shaft support, the coupling essentially incapable of transmitting torque, and the surface roughening, fluting, and denticulation (claim 19) must be shown or the features canceled from the claims. No new matter should be entered. The examiner notes that figure two shows the stator 7 supported by the o-rings 12 and in a groove on the cylindrical shaft support at the very top end.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

3. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims

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are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 10-28 have been renumbered 11-29.

The examiner assumes that the applicant inadvertently cancelled claims 2-9 rather than 2-10. Claim 10 being dependent on cancelled claim 9. The applicant is instructed to cancel claim 10, and make note of the renumbers newly added claims.

4. Claim 10 is objected to because of the following informalities: it depends from a cancelled claim. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 11-29 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 11-29 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

The specification does not enable or provide a full, clear, concise, and exact written description of a couple which is essentially incapable of transmitting torque. The specification contains NO description of a coupling that will not transmit torque.

In order to advance prosecution on the merits, prior art will be applied to the claims as best understood by the examiner.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 11, 12, 15-18, 20-24, 26, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hara et al. (Hara)(US 4,975,607) and Elsing et al. (Elsing)(US 5,376,850). Hara teaches a punchout base 14 with a grid/holes for the shaft and screws with a stator rigidly retained through the base and having an air gap with the shaft support 9. Hara teaches a screw extending up from underneath the base to torque couple with the housing. Hara does not teach a housing or stator being supported traverse the shaft support. Elsing teaches the base integrally fastened to the housing with a rotating shaft and a couple for the stator which is only traverse to the shaft support. It would have been obvious to a person of ordinary skill in the art to construct the motor of Hara with the o-ring (traverse support) for the stator to reduce vibrations as taught by Elsing, and with a rotary shaft because Elsing teaches the

equivalence of the shaft to be stationary or rotary, and the with housing of Elsing to protect the motor.

The examiner notes in regards to claims 11-29, the o-ring couple of Elsing is identical to the o-ring coupling of the applicant, which is held forth by the applicant as being "essentially incapable of transmitting torque". The examiner notes the pump is not positively recited, but is only an intended use in the preamble.

9. Claims 13, 14, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hara et al. (Hara)(US 4,975,607) and Elsing et al. (Elsing)(US 5,376,850), in further view of Norton et al. (Norton) GB 2,293,695). Hara and Elsing teach every aspect of the invention except a viscous medium or grease in the gap. Norton teaches that grease ( a viscous medium) is used to dampened vibration with the stator support. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the motor of Hara and Elsing with the gap having grease to reduce vibrations.

10. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hara et al. (Hara)(US 4,975,607) and Elsing et al. (Elsing)(US 5,376,850), in further view of Shin (US ,5942,821). Hara and Elsing teach every aspect of the invention except a a torque coupling means between the housing and the base. Shin teaches flutes between the base 11 and housing 10. It would have been obvious to a person of ordinary skill in the

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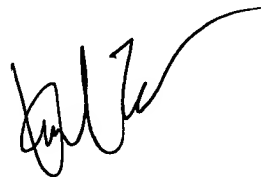
art at the time of the invention to construct the motor of Hara and Elsing with the flutes of Shin to facilitate manufacture of the motor.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl I.E. Tamai whose telephone number is (703) 305-7066.

The examiner can be normally contacted on Monday through Friday from 8:00 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Nestor Ramirez, can be reached at (703) 308-1371. The facsimile number for the Group is (703) 305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Karl I Tamai  
PRIMARY PATENT EXAMINER  
January 31, 2003

  
KARL TAMAI  
PRIMARY EXAMINER